

RE: NAB's petition 04-160

I would like to register my objections to the Petition filed by the National Association of Broadcasters to "prohibit satellite digital audio radio service (?SDARS?) from using any technology to permit the delivery of content that would be aired on a receiver in one location that differs from the content that would be aired on a receiver in a different location; and ... prohibit SDARS providers from providing locally oriented services on nationally distributed channels."

Satellite radio is one of the broadcast services I use. I am also a regular listener to local AM and FM stations. Although these are "free" services (well, I admit to being a paying member of Public Radio and TV), SDARS offers a type of service in many respects similar to broadcast programming, yet in concentrated content streams that allows me to select exactly the information or entertainment I want. There are so many radio stations available, so it is these relatively minor differences that attract me, as a listener, to the point where I am willing to pay for them. If my SDARS provider can increase the variety of content, that only increases its value and usefulness. Why would the Government be opposed to that?

Logically, the restriction of "locally oriented services on nationally distributed channels" makes sense only if the reverse is also true: restricting local outlets from distributing national services. End the reign of network stations. If people want to see nationally produced network television, you should REQUIRE them to subscribe to satellite services, or some other form of program distribution that is completely segregated from local programming. You want the local news and garden show? That's what Channel 4 is for. Ludicrous? Yes. But so is the NAB's proposed restriction.

It seems to me that there is no general public purpose, in the sense that the public is protected from indecent or subversive programming, in prohibiting my SDARS provider from getting me information and service that might be useful to me. If it is not useful to me, or not in a form I like, I will go somewhere else (such as a broadcast station) or stop paying for it. If not enough people use it, it will go away. But that should be a market decision, not a regulatory one.

Thank you for the opportunity to comment on this issue.

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